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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/787,266
Inventor(s) : Culeron et al.
Filed : February 26, 2004
Art Unit : 1751
Examiner : L. M. Douyon
Docket No. : AA615M2
Confirmation No. : 5154
Customer No. : 27752
Title : FOAM GENERATING KIT CONTAINING A FOAM-
GENERATING DISPENSER AND A COMPOSITION CONTAINING A HIGH
LEVEL OF SURFACTANT

DECLARATION UNDER 37 CFR 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

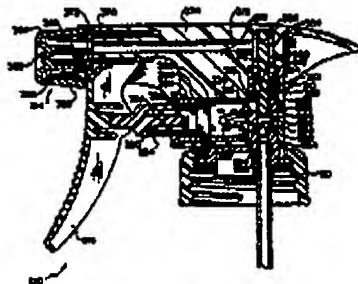
Dear Sir:

I, Rafael Ortiz, hereby declare the following:

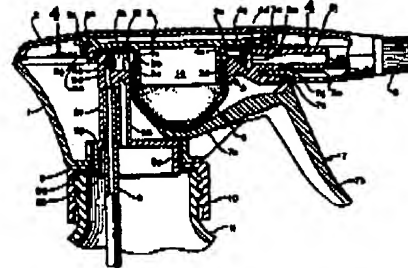
1. THAT: I received a B.S. degree in Chemistry from California State University in Los Angeles in 1988, and a PhD in Organic Chemistry from UCLA in 1993. I am employed as a Senior Scientist by The Procter & Gamble Company, and have been working at Procter & Gamble for eleven (11) years in the field of laundry and home cleaning detergent formulation.
2. THAT: I assumed responsibility in The Procter & Gamble Company for projects relating to foam-generating kits and have read the above reference patent application and am familiar with its contents.
3. I have reviewed the Office Action dated June 13, 2006, and U.S. Patent 5,075,026 issued to Loth et al.. Specifically, the following statement in the Office Action:

“* * * When intended for use in the neat form, the liquid compositions can be packaged under pressure in an aerosol container or in a pump-type sprayer for the so-called spray-and-wipe type of application (see col. 13, lines 45-48 [*of Loth et al.*]). [emphasis original] * * * It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a dispenser, i.e., pump-type sprayer wherein the foam generated from the dispenser would exhibit a foam having a foam to weigh ratio within those recited because similar ingredients with overlapping viscosity and similar dispenser have been utilized.”

4. It is my opinion that the “pump-type sprayer” discussed in Loth et al. refers to a trigger action type sprayer such as that sold with hard surface cleaning products such as Mr. Clean® Antibacterial MultiSurface shown in Attachment 1 or similar to the sprayers shown in US 4,527,741 or US 4,155,487



US 4,527,741



US 4,155,487

5. It is my opinion that the pump-type sprayer cannot be equated to or considered similar to a foam-generating dispenser as demonstrated by Table 1 below showing that the composition similar to that discussed in the present application in Example 2 (A) – (E) and (G), when placed in a pump-type sprayer verses a foam-generating dispenser described in the present specification, does not generate the foam to weight ratio claimed in the present application.

	A.	Sprayer	B.	Sprayer
		Mr. Clean AB MultiSurface		As described in Example 1 and Fig. 1
		Code Stamp: 52225184319		
Volume:		15 mls		110 mls.
Weight:		13.28g		15.12g
V/W ratio:		1.13		7.28
Observations:		5 mls. Foam/10 mls. Liquid		110 mls. Foam
Method:		1. Place graduated cylinder on electronic balance and tare to zero.		
		2. Pump each Sprayer 10x into graduated cylinder.		
		3. Record Volume and weight.		

I, Rafael Ortiz, declare all statements made herein are true to the best of my knowledge, or if made upon information and belief, are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Further Declarants sayeth not.

Rafael Ortiz
Rafael Ortiz

Date: Nov. 13, 2006

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Attachment I



PRODUCTS
WHERE TO BUY
TIPS AND USES

Mr. Clean MagicReach Products

- ▶ Mr. Clean MagicReach
- ▶ Mr. Clean MagicReach Bathroom Explorer

Mr. Clean Magic Eraser Products

- ▶ Magic Eraser DUO
- ▶ Magic Eraser

Mr. Clean Antibacterial Cleaners

- ▶ Multi-Surface Spray
- ▶ Multi-Purpose Cleaner

Mr. Clean AutoDry Carwash

- ▶ Mr. Clean AutoDry Carwash

Mr. Clean Licensed Products

- ▶ Windshield Wash & Wiper Blades
- ▶ Gloves and Reusable Wipes
- ▶ Cleaning Tools

Get 3 cleaners in 1 with Mr. Clean Antibacterial Multi-Surface Spray

Imagine the convenience of using only one spray cleaner in your home. It's possible with the magic of Mr. Clean! Now Mr. Clean Antibacterial Multi-Surface Spray is 3 cleaners in 1.

1. Cuts tough grease.
2. Contains antibacterial action to kill germs.
3. Cleans glass surfaces to a streak-free shine.

You can use Mr. Clean Antibacterial Multi-Surface Spray on hard surfaces throughout your home. Use it to cut tough grease on your kitchen appliances without leaving a dulling film behind. Protect your family from germs by using it to clean your kitchen countertop, where bacteria may exist. And because Mr. Clean Antibacterial Multi-Surface Spray provides streak-free glass-cleaning technology, you can use it to clean your countertop or your windows—even clean your glass shower door!

Try Mr. Clean Antibacterial Multi-Surface Spray in both Lemon and Orange scents.

▶ [Click here](#) for tips on how to use Mr. Clean Antibacterial Multi-Surface Spray in your home.

